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C O N F I D E N T I A L STATE 040386

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E.O. 12958: DECL: 04/16/2018

TAGS: EUN PHUM PREL

SUBJECT: DEMARCHE: US-EU PRISONERS OF CONSCIENCE DECLARATION

REF: A. 2008 STATE 38600 B. 2007 STATE 147620

Classified By: A/S David J. Kramer, Reasons 1.4(b) and (d)

¶1. (U) this is an action request. Please see para 5.

¶2. SUMMARY: Department requests action addressees to demarche respective Foreign Ministries to urge co-sponsorship of the attached country-neutral declaration on prisoners of conscience. END SUMMARY

BACKGROUND

¶3. (C) Since the loss of the special mandate for Cuba in the Human Rights Council (HRC) last June, the Department has been seeking ways to work with the European Union (EU) to keep the Cuban human rights situation before the United Nations. Advised by several EU Member States that we should take a thematic rather than country-specific approach, the Department developed several prisoner of conscience initiatives to pursue jointly with the EU including a General Assembly declaration to call attention to the plight of prisoners of conscience and a public affairs event on the margins of the UNGA in New York that would focus on prisoners of conscience throughout the world.

¶4. (C) EU members confirmed following their April 8-9 Human Rights Commission (COHOM) meeting that the EU will co-sponsor the prisoners of conscience declaration, which we hope to have entered into the record of the UN on April 28 or 29. The EU did not reach consensus on the venue and date for the prisoners of conscience public affairs event, due to continued Spanish resistance to public events on this topic this spring. However, they did agree that the event should include former prisoners of conscience and/or family members of current prisoners from Cuba, Burma, Eritrea, Iran and Belarus. Additional information regarding the public affairs event, date and timing will follow septel. The event will take place in New York.

¶5. (SBU) The prisoners of conscience declaration will be circulated to all United Nations member states under agenda item 70, "Promotion and protection of human rights," including an annex with the list of signatory countries. The declaration will not be read aloud, but rather issued as a document of the General Assembly and entered into the public record. The objective is to have a minimum of 30 signatures, and ideally 50 or more, in addition to the United States and the 27 EU members by the time it is entered into the record.

¶6. (U) Action Request: Addressee posts are requested to draw on the following points to urge respective Foreign Ministries to instruct their UN permanent representatives to co-sponsor the attached prisoner of conscience declaration.

--In honor of the 60th anniversary of the Universal Declaration of Human Rights, the U.S. and the EU are circulating a declaration at the United Nations to highlight the plight of prisoners of conscience throughout the world that commits signatories to work for the freedom of current prisoners of conscience and to make their release a key priority in their relations with other states.

--Moreover, the declaration urges member states of the United Nations to affirm their commitment embodied in the Universal Declaration on Human Rights that all citizens may freely express their opinions and assemble peacefully without fear of reprisal.

--We urge you to join us in supporting this declaration which draws attention to the continued arbitrary arrest and detention by their own governments of thousands of individuals around the world simply for exercising fundamental rights (i.e. freedom of opinion and expression, peaceful organization, freedom of thought, conscience and religion) embodied in the Universal Declaration of Human Rights.

--The U.S. Mission to the UN and the Slovenian Mission to the UN (which holds the current EU Presidency) both have copies of the declaration signature lists to expedite gathering of signatures.

--(If asked) Is this resolution really targeted at Cuba? (Note: Posts should not/not refer to the Cuba-related aspects of the procedural history of the declaration set forth in the background paragraph 3 of this message when presenting the declaration. Rather, posts should present the declaration as the country-neutral human rights affirmation that it is. Posts may draw on the following point in the event host government asks whether the resolution is Cuba-related.): The resolution is country-neutral. It mentions no particular country. But it is directed at all governments that imprison their own people for holding opinions contrary to those of the government. Cuba is one government that engages in this reprehensible practice, as do a number of other governments around the world.

--(If asked) How can the United States sponsor a declaration on prisoners of conscience when you hold prisoners on Guantanamo?: The prisoners held at Guantanamo are enemy combatants, not prisoners of conscience. The United States is in a state of armed conflict with Al Qaeda, the Taliban, and their supporters. As part of this conflict, the United States captures and detains enemy combatants and is entitled under the law of war to hold them until the end of hostilities. Such detentions is a matter of security and military necessity and has long been recognized as legitimate under international law. The United States does not imprison people for their political or religious beliefs.

17. Following is the text of the draft Declaration on Prisoners of Conscience, which may be left as a non-paper.

Declaration on Prisoners of Conscience

Mr. President, I have the honor to deliver this declaration on behalf of the European Union, the United States, and (any other co-sponsors).

As set forth in the Universal Declaration on Human Rights, adopted by this body on December 10, 1948, everyone has the right to freedom of opinion and expression; everyone has the right to freedom of peaceful assembly and association; and everyone has the right to freedom of thought, conscience, and religion.

Sixty years ago these simple truths were recognized by the United Nations. Since then we have many times reaffirmed these fundamental freedoms.

Regrettably, in the sixtieth anniversary year of the

Universal Declaration on Human Rights, there are still numerous violations of these rights - violations that are well-known and documented by UN human rights bodies and mechanisms, resolutions of this body and other international and regional organizations. We particularly deplore the practice of imprisoning people for trying to exercise these rights peacefully - to speak their views, to gather in public, to publish opinion including opinion that is critical of standing governments, and to seek or disseminate information including through the internet. Unfortunately, there are many examples of governments employing imprisonment as a strategy for dealing with their political opposition or with human rights defenders. There are numerous cases of prisoners of conscience being confined to jails and prisons, or held under house arrest for long periods of time to prevent them from speaking to or assembling with others. Compounding the problem, many of these prisoners are held in abysmal conditions, where they suffer life-threatening health crises.

This body is replete with Member States that have been or are being led by former prisoners of conscience. These historic figures, once persecuted by their own governments and maligned as criminals for exercising rights and freedoms that we have all agreed are inalienable and fundamental, are today recognized for what they have always been, men and women of courage and of conscience who peacefully pressed for change at great risk to themselves and on behalf of their fellow citizens.

The nations joining in this statement commit themselves to work for the freedom of prisoners of conscience and to make their release a key priority in their relations with other states. We further agree to encourage Member States of the United Nations to affirm their commitment embodied in the Universal Declaration on Human rights that all citizens may freely express their opinions and assemble peacefully without fear of reprisal.

The nations joining this statement call upon the General Assembly to be seized of this matter in the future. End Text.

REPORTING DEADLINE

18. (U) Posts are requested to use the SIPDIS caption and report the results of this demarche by April 23, 2008. Please contact DRL/MLGA Danika Walters 202-647-4659 with questions.
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